

## LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for October 12, 2005 PLANNING COMMISSION MEETING

**PROJECT #:** Change of Zone #05067

**PROPOSAL:** Change from R-6 Residential to B-4 Lincoln Center Business

**LOCATION:** 21<sup>st</sup> and "K" Street

**LAND AREA:** 62,338 square feet, or 1.43 acres, more or less.

**CONCLUSION:** The proposed use of this property does not conform to the land use designations contained in either the Downtown Master Plan or the Antelope Valley Redevelopment Plan. However, should the developer agree to traffic and design conditions that promote the policies of these documents, this project could be approved.

<b><u>RECOMMENDATION:</u></b>	Conditional Approval
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### **GENERAL INFORMATION:**

**LEGAL DESCRIPTION:** See attached.

**EXISTING LAND USE AND ZONING:** Parking lot R-6 Residential

### **SURROUNDING LAND USE AND ZONING:**

North:	Commercial	B-4 Lincoln Center Business
South:	Residential, parking lot	R-6 Residential
East:	Public right-of-way	R-6 Residential
West:	Commercial	R-6 Residential

### **HISTORY:**

Sep 2005 Downtown Master Plan adopted.

Nov 2004 Antelope Valley Redevelopment Plan adopted.

May 1979 This property was changed from D Multiple Dwelling to R-6 Residential.

**COMPREHENSIVE PLAN SPECIFICATIONS:** The Land Use Plan Identifies this property as Commercial. (F 25)

Downtown Lincoln continues to serve its role as the central location for commerce, government, entertainment and the arts. Views to the State Capitol have been preserved, as they have in the past, as part of our community form. (F 16)

Preserve and enhance entryway corridors into Lincoln and Capitol View Corridors. (F 19)

**Commercial:** Areas of retail, office and service uses. Commercial uses may vary widely in their intensity of use and impact, varying from low intensity offices, to warehouses, to more intensive uses such as gas stations, restaurants, grocery stores or automobile repair. Each area designated as commercial in the land use plan may not be appropriate for every commercial zoning district. The appropriateness of a commercial district for a particular piece of property will depend on a review of all the elements of the Comprehensive Plan. (F 25)

The land use plan displays the generalized location of each land use. It is not intended to be used to determine the exact boundaries of each designation. The area of transition from one land use is often gradual. The Comprehensive Plan also encourages the integration of compatible land uses, rather than a strict segregation of different land uses. (F 27)

Commercial and industrial districts in Lancaster County shall be located so that they enhance entryways or public way corridors, when developing adjacent to these corridors. (F 38)

Support development and implementation of the Antelope Valley project which is to provide neighborhood revitalization, transportation and transit opportunities and stormwater improvements on the east side of Downtown, the UNL campus and surrounding neighborhoods. As the Antelope Valley project progresses, ensure that new development is compatible with the existing Downtown and is pedestrian oriented. Development in the existing and expanded Downtown will maintain the urban environment, including a mix of land uses and residential types. Higher density development with parking areas at the rear of buildings or on upper floors of multi-use parking structures is encouraged. (F 48, 49)

**DOWNTOWN MASTER PLAN SPECIFICATIONS:** The Downtown Master Plan shows the requested area as Low Rise Office. (20)

**Employment Framework:** The Employment Framework provides new office development sites with floor plate sizes and configurations to attract “Class A” tenants. (35, 36)

**Expands Capitol Environs:** Strengthens and adds to existing government-related employment uses near the Lincoln Mall and Centennial Mall corridors.

**K and L Streets:** Provides for expansion of financial and other office uses along this corridor.

**Downtown/Antelope Valley Framework:**

A healthy downtown supports and is supported by its surrounding neighborhoods. At its eastern edge, Downtown Lincoln abuts the Antelope Valley area, and this junction is of crucial importance to both of these essential parts of Lincoln. (37)

**DOWNTOWN MASTER PLAN DESIGN GUIDELINES (DRAFT) SPECIFICATIONS:**

Guidelines give developers and citizens an understanding of the city’s expectations and provide consistent criteria by which to review proposed projects. They ensure a degree of order, harmony and quality within the

built environment, so that individual buildings and projects succeed on their own yet also contribute to a unified and distinct downtown Lincoln district. (2)

***Character Guidelines:***

**Intent:** The Character Guidelines address the qualities that give Lincoln its uniqueness and personality. They consider what makes downtown a special, distinct “place,” not simply a group of individual buildings and streets. (4)

**Architectural Compatibility Guideline:** New buildings should be “good neighbors” and contribute to the quality and character of their architectural context. (8)

**Description:** Buildings should “fit” with their architectural surroundings – relating to nearby buildings rather than calling attention to themselves through disruptive design excesses or novel variations. Material, color, texture, scale, form, silhouette, height, rhythm and proportion all influence a structure’s compatibility with its surroundings. Architectural elements should enhance not detract from the area’s overall character.

**Appropriate:** Traditional architectural elements (for example, classical cornice) used at a scale and level of detailing proportionate to the size of the building. Forms, proportions, rhythms, materials, colors and architectural motifs that are suggested by and complement adjacent buildings.

**Inappropriate:** Out-of-scale, over-simplified, cartoon-like cornices or other traditional architectural elements applied without regard to size or use of the element. Building elements that do not respect the scale, materials, proportions and heights of adjacent historic or significantly high-quality buildings.

***Architecture Guidelines:***

**Intent:** The Architectural Guidelines promote quality development while reinforcing the individuality, spirit and values of Lincoln. They foster design of buildings and sites that is representative of Lincoln’s heritage and character, and suits its climate, landscape and downtown street grid. (18)

**Use Quality Wall Material Guideline:** Use materials that create a sense of permanence. (24)

**Description:** Quality wall materials can provide a sense of permanence and bring life and warmth to downtown. Articulation of wall materials should be bold, using materials that show depth, quality and durability. It should be apparent that the materials have substance and mass, and are not artificial, thin “stage sets” applied only to the building’s surface.

**Appropriate:** Boldly articulated window and storefront trim. Natural or subdued building colors. Limited use of bright accent trim colors. Varied yet compatible cladding materials. Masonry materials – brick and stone or terra cotta.

**Create Attractive Building Silhouettes and Roof Lines Guideline:** Create interesting and detailed roof lines and silhouettes. (25)

**Description:** Building roof lines should enliven the pedestrian experience and provide visual interest with details that create forms and shadows. A building’s silhouette should be compatible with those of other buildings along the existing streetscape. In some cases, it may be appropriate to mark an entryway with a distinct form, such as a tower, to emphasize the significance of the building entry.

**Appropriate:** Dormer windows. Towers or similar vertical architectural expressions of important building functions such as entries. Varied roof line heights. If cornices are used they should be well

detailed. They should have significant proportions (height and depth) that create visual interest and shadow lines.

**Inappropriate:** Unarticulated roof lines. Poorly detailed decorative roof forms.

***Lighting Guidelines:***

**Intent:** The lighting of buildings and open spaces should not only provide security, but also contribute to the overall sense that the downtown is active and vital all hours of the day. Lighting should be designed not simply to be utilitarian but to create a pleasant, welcoming atmosphere that does not contribute to “light pollution.” Use of glaring, offensively colored lights should be discouraged. Fixtures should be visually “quiet” – they should not overpower or dominate the streetscape. (32)

**Orient Lighting to the Pedestrian Guideline:** Lighting should be used to highlight sidewalks, street trees and other features, and harmonize with other visual elements in the greater downtown. (33)

**Description:** Street lighting should be provided on all public streets, sidewalks, pedestrian walkways and public open spaces. Lights may also be used to highlight trees and similar features within public and private plazas, courtyards, walkways and other similar outdoor areas at night to create an inviting and safe ambiance.

**Appropriate:** Street lights of historical design. Pole standards black or dark green in color. Standards accommodating banners and hanging flower pots (potentially including automatic drip irrigation for pots). Footlighting that illuminates walkways and stairs. Fixtures concealed and integrated into the design of buildings or landscape walls and stairways. Bollard lighting that is directed downward toward walking surfaces. Seasonal string lights on buildings and trees.

**Inappropriate:** Flashing or colored lights. Exposed cords, outlets or other electrical devices that may provide safety hazards and are unsightly. Contemporary fixtures or over scaled, utilitarian fixtures such as “cobrahead” lights. Concrete light fixture bases taller than eight inches. Ornamental or contemporary light fixtures. Low pressure sodium lamps.

**Integrate Building Lighting Guideline:** Exterior lighting of buildings should be an integral component of the facade composition. (34)

**Description:** Architectural lighting may be used to articulate the particular building design. Lighting of cornices, uplighting and other effects may be used. Lighting should not cast glare into residential units or onto adjacent lots or streets in any way that decreases the safety of pedestrians and vehicles. Lights may, however, be used to create effects of shadow, relief and outline that add visual interest and highlight aspects of the building.

**Appropriate:** Wall-washing lighting fixtures. Decorative wall sconce and similar architectural lighting fixtures. Screened uplight fixtures on buildings or integrated with landscape. Lighting that provides natural color.

**Inappropriate:** Neon silhouette accent lighting. Bulb or flashing lighting. Fluorescent tube lighting. Security spotlight. Low pressure sodium lamps.

***Sign Guidelines:***

**Intent:** Signs may provide an address, identify a place of business, locate residential buildings or generally offer directions and information. Regardless of their function, signs should be architecturally compatible with

and contribute to the character of the downtown. Signs should be good neighbors – they should not compete with each other or dominate the setting due to inconsistent height, size, shape, number, color, lighting or movement. (35)

**Consider Size and Placement of Wall Signs Guideline:** Signs should be sized and placed so that they are compatible with the building's architectural design. (36)

**Description:** Signs should not overwhelm the building or its special architectural features. Signs should not render the building a mere backdrop for advertising or building identification.

**Appropriate:** Signs should be incorporated into the building architecture as embossing, low relief casting or application to wall surfaces. Signs should be constructed of individual, three-dimensional letters, as opposed to one single box with cutout flat letters. Signs may be painted or made with applied metal lettering and graphics. Signs should be durable and long lasting. Signs may incorporate lighting as part of their design. Signs should be located above storefronts, on columns or on walls flanking doorways.

**Inappropriate:** The material, size and shape of signs that overwhelm, contrast greatly or adversely impact the architectural quality of the building. Roof-mounted signs. Backlit signs. LED animated signs. Video signs. Painted window signs.

**ANTELOPE VALLEY REDEVELOPMENT PLAN SPECIFICATIONS:** The Antelope Valley Redevelopment Plan identifies this property for Mixed Use designation. (55)

***Future Land Uses:***

**East Downtown** is defined by the waterway, the one-way pairs of "K" and "L" Streets, 17th Street and the UNL Campus edge. The area has a variety of architecture, building usage, streetscape definitions and site density. It is intended to be marked by mixed-use, streetscape oriented infill development revitalizing underdeveloped land, renovating key existing structures, and capitalizing on parking and open space. The applicable East Downtown future land use designations would encourage mixes of uses - residential/office/retail/services - next to each other as well as a commercial use on the first floor and another land use on the upper floors. (53)

**MU - Mixed-Use:** The Mixed Use (MU) area east of traditional downtown is intended to accommodate a wide variety of land uses compatible with adjacent residential areas and supportive of downtown as the community's center. (58)

The area along "K" and "L" Streets between S. 17<sup>th</sup> and S. 22nd Streets is a key entry corridor to and from downtown. In this area the mix of uses is intended to provide additional diversity in office and residential products to traditional Downtown. The proximity of these blocks with the State Capitol provides the impetus for government and statewide association facilities. (58, 59)

***Zoning Concepts:***

The B-4 zone is the zone of Traditional Downtown. It allows virtually any land use, at high intensity and density. East Downtown should not have regulations that are the same for Traditional Downtown. (68)

***Urban Design Principles:***

**Urban Design** - Development should avoid a suburban style and instead be pedestrian oriented and varied with strong streetscapes reinforced by quality buildings. Suburban elements to avoid include deep setbacks, and overall design oriented toward the scale of the automobile. Building

should be encouraged to be located next to the sidewalks along the front yard line, with parking in the back of buildings. (69)

**Diminish Visual Prominence of Parking** - Concentrations of parking should be concealed within interior parking courts (buildings on the street, parking behind) or in garages wrapped with buildings. (69)

**Character of Place** - Buildings should be designed to be compatible, in form and proportion, with the neighboring buildings and should include a variety of forms, materials and colors, yet these elements should be composed to maintain a complementary appearance. (69)

**Quality of Place** - Buildings should include a richness of architectural detail to help define their scale and extend to the sidewalk in front of the property for pedestrian access and visual rhythm and interest. (69)

**Physical Connectivity** - Physical integration and connectivity should be a prominent force guiding all transportation decisions to promote development that is integrated and connected with its surrounding environment and community. This facilitates ease of access, economy of movement and improved social interaction. (69)

**TRAFFIC ANALYSIS:** The Comprehensive Plan identified “K” and “L” Streets as minor arterials and 21<sup>st</sup> Street as a collector, both now and in the future. (49, 103) Access to the site is a concern due to the anticipated uses and proximity to the 21<sup>st</sup> and “K” and “L” Street intersections. Access should be limited. South 22<sup>nd</sup> Street, adjacent to the east, has been vacated, but is still owned by the City.

**AESTHETIC CONSIDERATIONS:** This project falls within the boundaries of the Downtown Master Plan and the Antelope Valley Redevelopment Plan, both of which address aesthetic issues. This location is also part of an important gateway corridor for Downtown and the State Capitol building. Since the proposed use does not conform to the future land use identified in either study, strict adherence to the relevant design guidelines should be enforced.

**ALTERNATIVE USES:** This site is anticipated for low-rise office or mixed use development. This site would be appropriate for statewide agency or local government offices, or mixed-use including residential over office.

**ANALYSIS:**

1. This is a request for a change of zoning designation from R-6 Residential to B-4 Lincoln Center Business. The proposed use of the property is gas/convenience store, fast food restaurant, and car wash.
2. The R-6 district allows residential uses, but not commercial uses. The B-4 district is structured such that property may be used for any lawful purpose, except those

specifically prohibited. The proposed uses are allowed in B-4. However, changing the zoning does not necessarily mean the proposed uses will materialize. Under the standard process, once the zoning is changed, the property can be put to any use allowed in the new district.

3. The proposed uses do not conform to either land use plan contained in the Downtown Master Plan or the Antelope Valley Redevelopment Plan. This property is located in an important entry gateway for Downtown as well as the State Capitol building. The future vision for property in this general area is low-rise office and mixed office/residential use. Given the site location and transportation conditions, uses such as these that generate a lower number of trips than a convenience/gas/fast food/car wash establishment are preferred.
4. Plans for the area also address architectural design and detail as it relates to the existing character. A typical, modern, combined convenience/gas/fast food/car wash establishment does not blend well into an area such as this, which is characterized by traditional materials and reduced setbacks.
5. A conditional zoning agreement could be used to bind the developer to specific design considerations to ensure the development will meet the policy guidelines stated in the Downtown Master Plan and Antelope Valley Redevelopment Plan. A draft list of such conditions is attached.
6. Public Works - Development Services comments:
  - 6.1 Access to this site is a concern because of the proposed convenience store and fast food restaurant uses anticipated. Our preliminary determination is that the following access may be allowed:
    - a) A right in/right out driveway to 21st Street provided that a median is built at the developer's cost between K and L forcing the right in and out movements.
    - b) A left in only access to L Street provided that a turn lane is built at developer's cost in front of this driveway.
    - c) A left in only access from K Street in the limits of the existing lane on the north side. A left in and out drive will be considered if it aligns with 22nd Street on the south side of K Street. This does not match the assumption for the September 27, 2005 site plan which Engineering Services will review and comment on before Planning Commission.

- 6.2 There is an existing sewer thru the center of this block. The sewer will need to be abandoned and relocated if necessary to the satisfaction of Public Works and Utilities or all buildings be built outside the easement for this sewer.
7. The proposed site plan shows 15 parking spaces in two rows and a portion of the car wash building located at the east end of the property within abandoned 22<sup>nd</sup> Street right-of-way. This vacated right-of-way is still owned by the City. This is also in the location of a potential access to "K" Street, as indicated by Public Works. This parcel must be purchased from the City if it is to be used for this development. Also, portions of the drive-thru and pass-thru lanes for the fast food restaurant are shown in the public right-of-way, and must be removed.
8. Three sides of this parcel abut public right-of-way and must provide a 20' front yard setback. The fourth side must provide a 30' rear yard setback. Accessory structures may not occupy more than 30% of the required rear yard, and parking is not allowed within the required front yard. Based solely on Applicant's current ownership, portions of the fast food restaurant, the drive-thru lane, the car wash building, the vacuum station, and many of the parking spaces are located within required setbacks. Assuming the necessary right-of-way and vacated right-of-way is purchased, the vacuum station and a number of parking spaces will continue to be located within required setbacks. The percentage to which the accessory car wash building covers the rear yard is unknown.
9. Public Works - Watershed Management has commented that the entire property is located within the 100 year floodplain and must meet all applicable local, state, and federal floodplain standards.
10. LES has requested that all existing easements be retained.

Should the Planning Commission choose to recommend approval, Planning Staff suggests the following conditions.

**CONDITIONS OF APPROVAL:**

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan by:



- 1.1.1 Conforming to the required setbacks.
  - 1.1.2 Showing access to "K," "L," and 21<sup>st</sup> Streets to the satisfaction of the Public Works Department.
  - 1.1.3 Showing ownership of vacated 22<sup>nd</sup> Street , the notch in "L" Street right-of-way, and the two portions of lots owned by the City, or revise the access, parking layout, and setbacks to the satisfaction of the Public Works and Planning Departments.
  - 1.1.4 Adding a note stating the development is located within the 100 year floodplain and will meet all applicable local, state, and federal floodplain standards.
  - 1.1.5 Showing all existing easements.
  - 1.1.6 Showing the existing sewer will be abandoned and relocated if necessary to the satisfaction of the Public Works Department, or show that all buildings will be constructed outside of the easement.
  - 1.2 Sign a conditional zoning agreement to the satisfaction of the Public Works and Planning Departments.
2. This approval permits a convenience/gas/fast food restaurant establishment with an accessory car wash.

General:

3. Before receiving building permits:
- 3.1 The permittee shall have submitted an acceptable revised and reproducible final plan.
  - 3.2 The construction plans shall comply with the approved plans.
  - 3.3 A copy of the Conditional Zoning Agreement shall be signed and returned to the City Clerk.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

- 4.1 Before occupying the buildings all development and construction shall have been completed in compliance with the approved plans.
- 4.2 All privately-owned improvements shall be permanently maintained by the owner.
- 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
- 4.4 This ordinance's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
- 4.5 The City Clerk shall file a copy of the ordinance approving the change of zone and the Conditional Zoning Agreement with the Register of Deeds. The Permittee shall pay the recording fee in advance.

Prepared by:

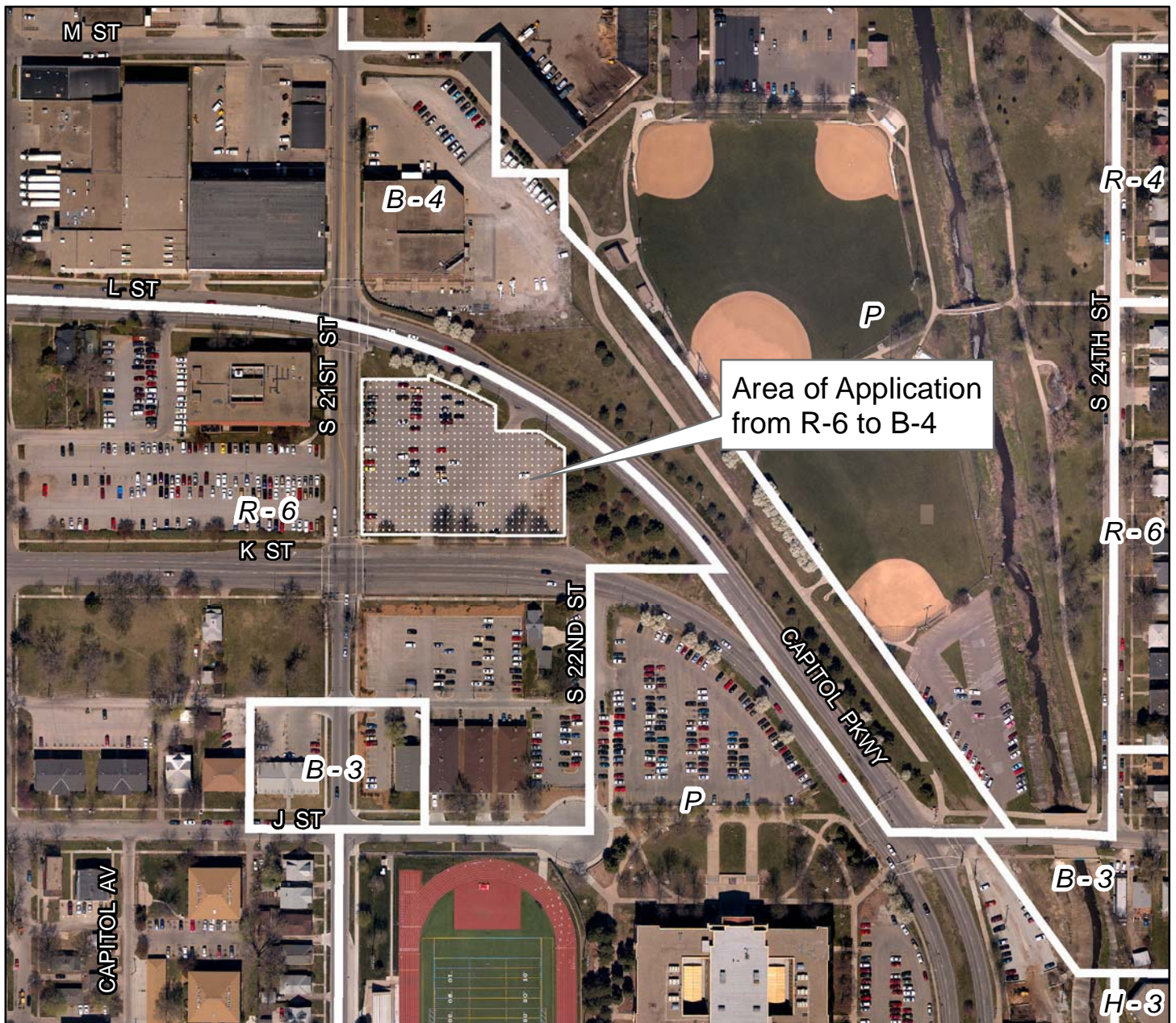
Greg Czaplewski, 441.7620, gczaplewski@lincoln.ne.gov

**Date:** September 30, 2005

**Applicant:** Whitehead Oil Company  
2537 Randolph Street  
Lincoln, NE 68510  
435.3509

**Owner:** Alltel Communications  
1440 "M" Street  
Lincoln, NE 68508

**Contact:** Mark Hunzeker / Shanna Cole  
Pierson, Fitchett, Hunzeker, Blake, and Katt  
1045 Lincoln Mall, Suite 200  
Lincoln, NE 68508  
476.7621



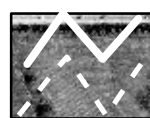
2005 aerial

## Change of Zone #05067 2100 K St.

### Zoning:

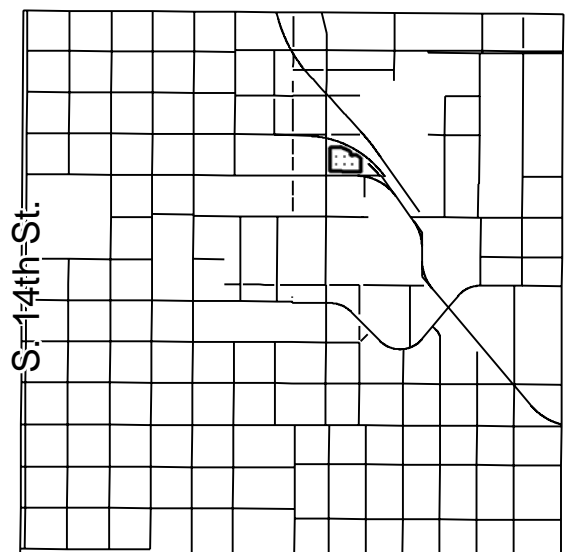
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile  
Sec. 25 T10N R6E



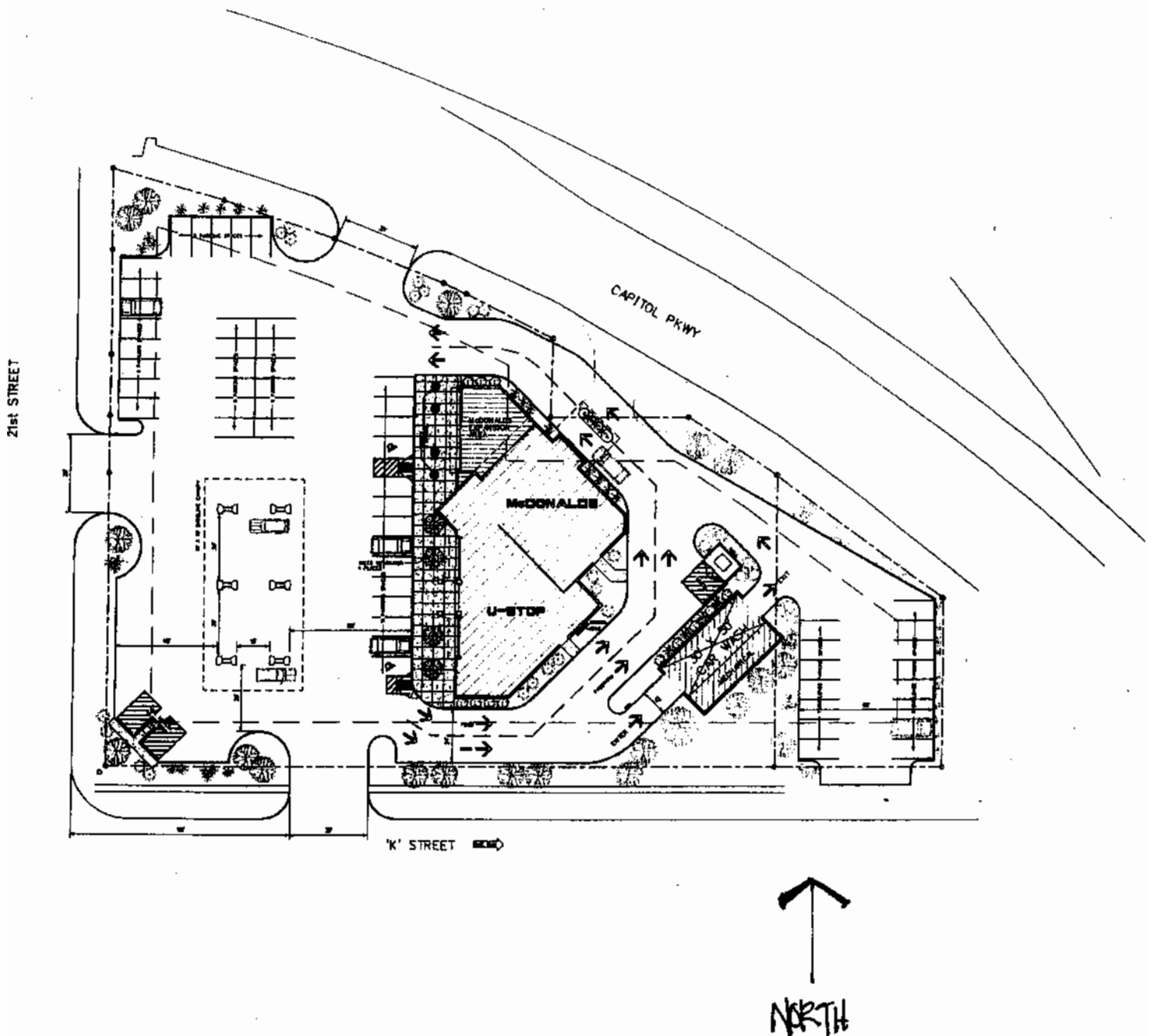
Zoning Jurisdiction Lines

City Limit Jurisdiction



## EXHIBIT B

### PLANS OF THE McDONALD'S PREMISES, EASEMENTS AND RESTROOMS

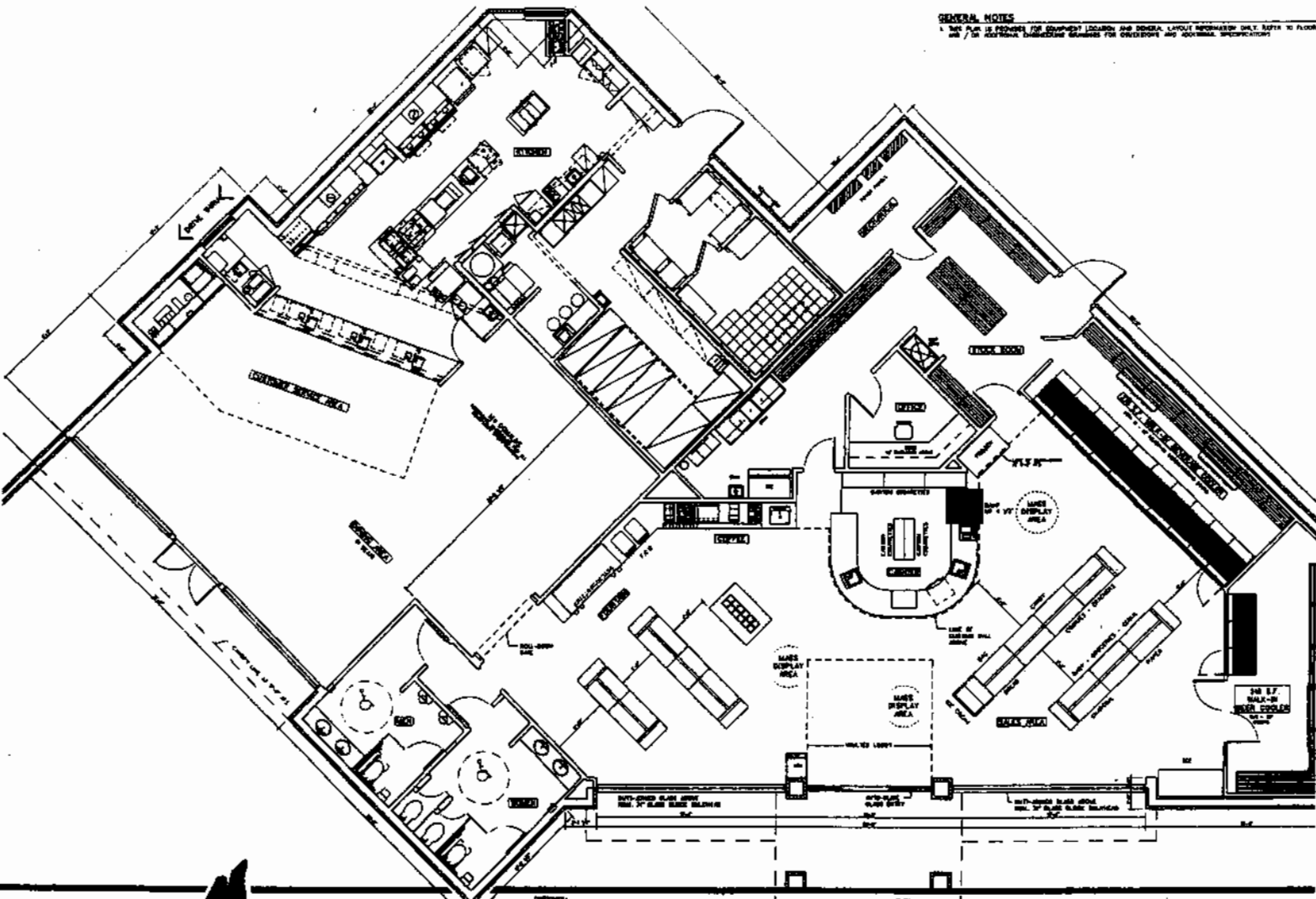


# EXHIBIT B-1

## PLANS OF THE McDONALD'S PREMISES, EASEMENTS AND RESTROOMS

### GENERAL NOTES

1. THIS PLAN IS PREPARED FOR EQUIPMENT LOCATION AND GENERAL LAYOUT INFORMATION ONLY. REFER TO FLOOR  
AND / OR ARCHITECTURAL DRAWINGS FOR DIMENSIONS AND CONSTRUCTION INFORMATION.



**MITCHELL DESIGNS, INC.**  
1109 Mayfield Dr. / Irving, Texas 75060 / (972) 988-4355 (800) 247-5431

**WHITEHEAD OIL**  
1007 FARMERDALE  
LINCOLN, NE 68504  
1-402-438-2500

**FIXTURE PLAN**  
6,242 SQ. FT. PROTOTYPE  
C-STORE / MCDONALDS

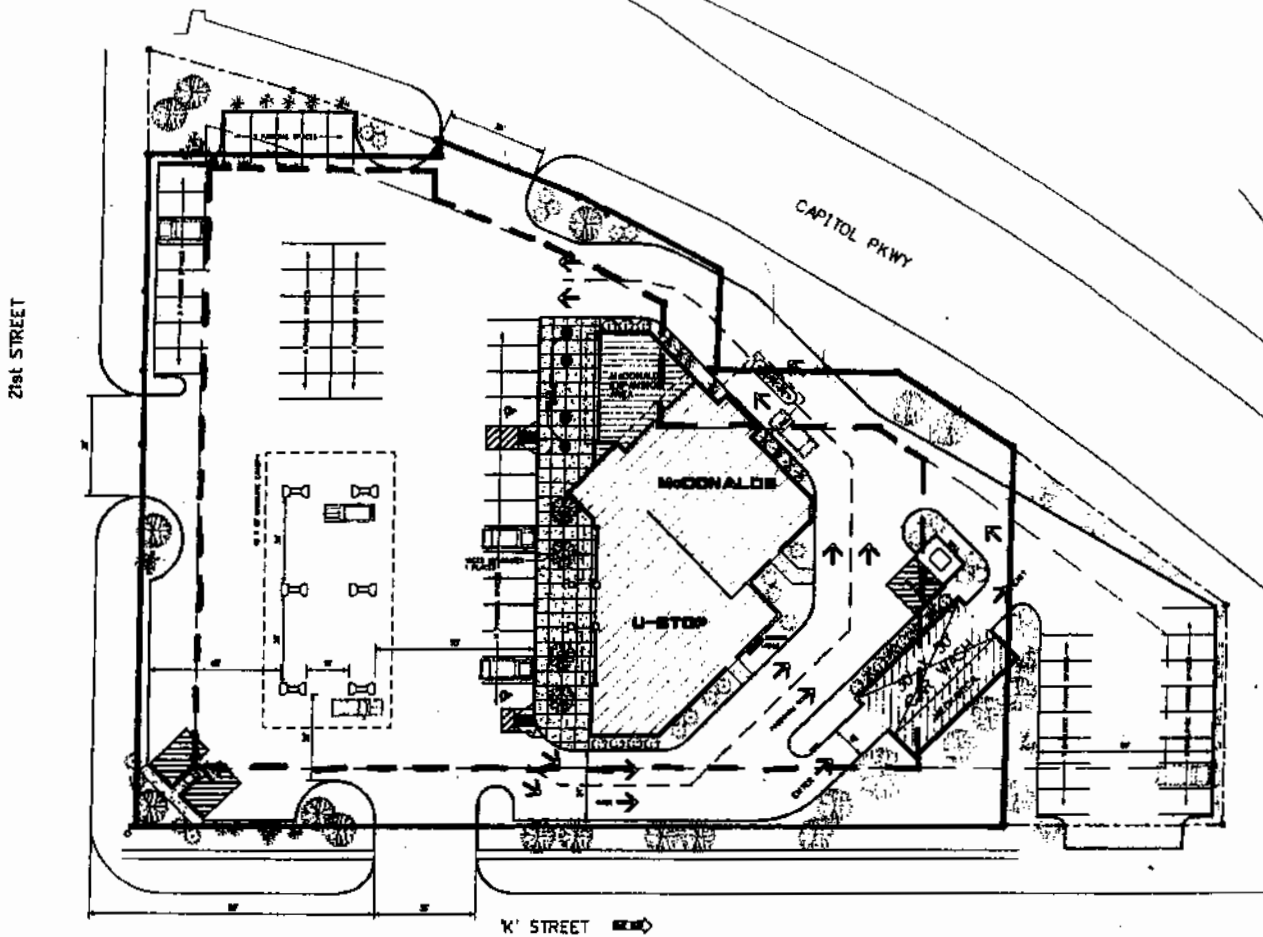
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Date: 07/98  
Job No.: 200-0-05



EXHIBIT B

PLANS OF THE McDONALD'S PREMISES, EASEMENTS  
AND RESTROOMS

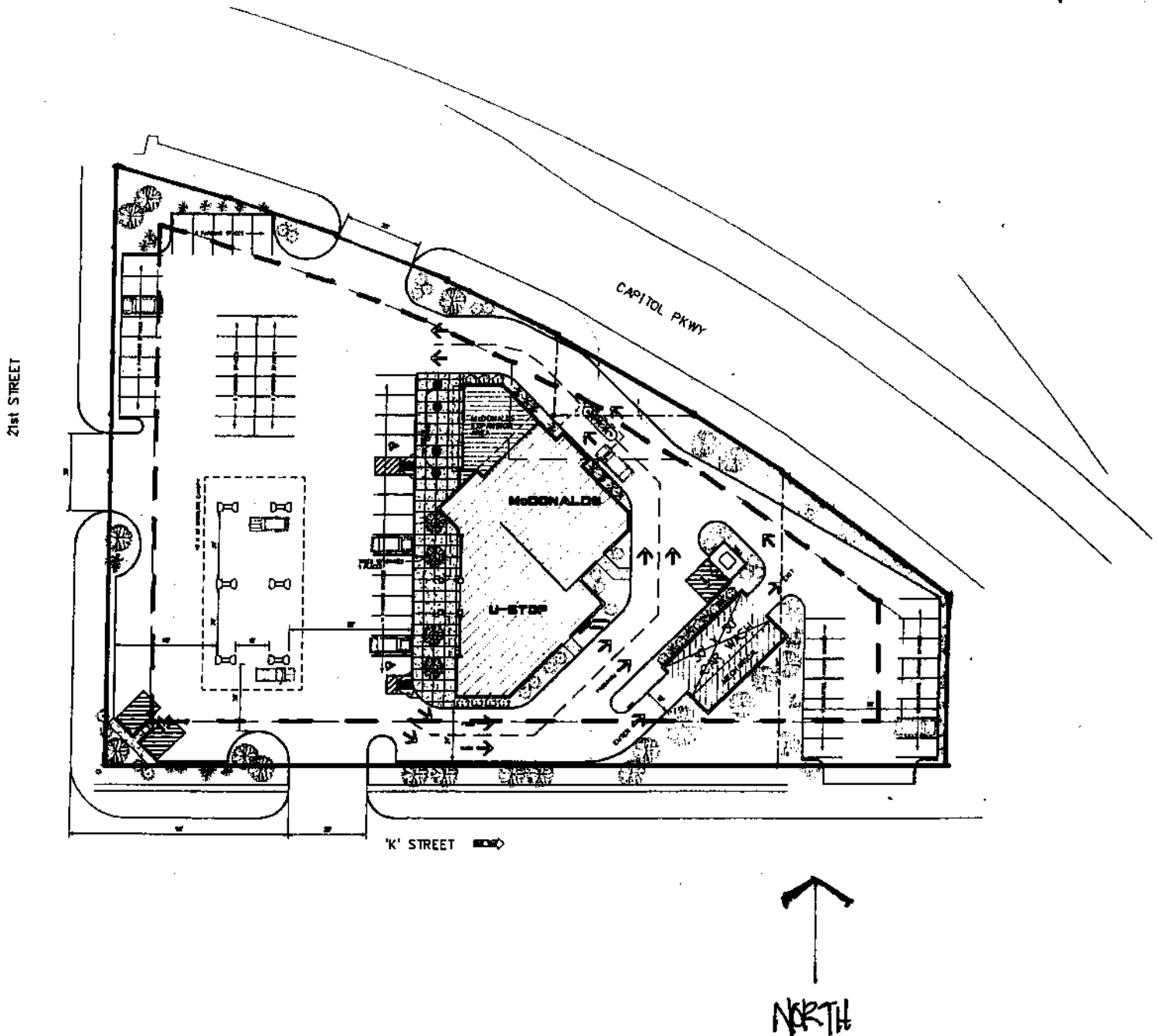
B-4 SETBACKS W/O ACQUISITION OF ADJL PROPERTY

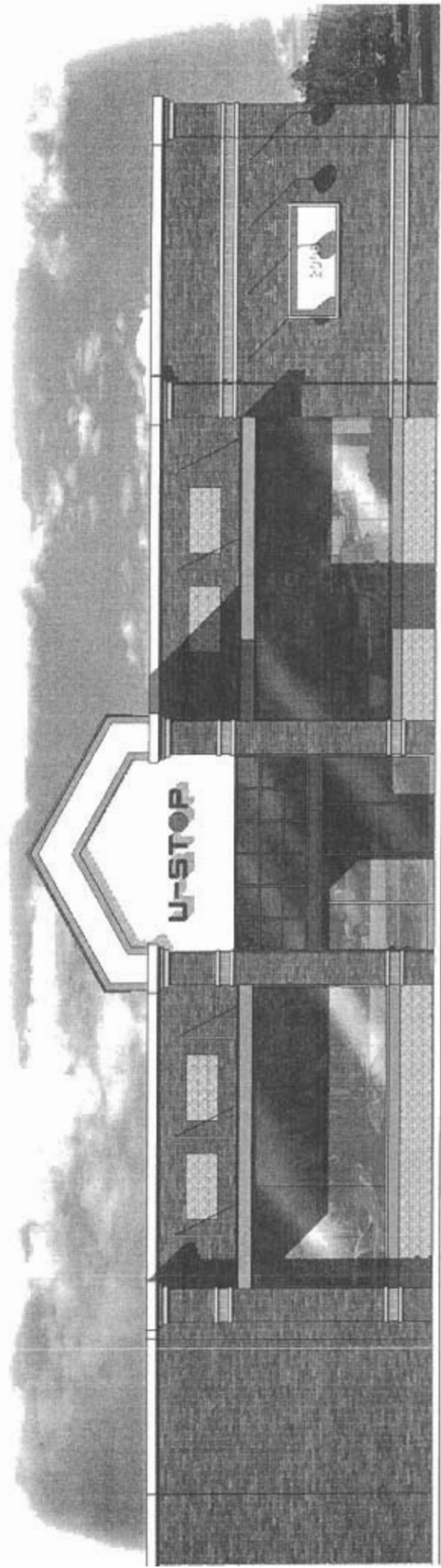


## EXHIBIT B

### PLANS OF THE McDONALD'S PREMISES, EASEMENTS AND RESTROOMS

#### B.4 SETBACKS WITH ACQUISITION OF ADDL PROPERTY





**U-STOP FRONT ELEVATION**



**Pierson|Fitchett**  
LAW FIRM

1045 Lincoln Mall  
Suite 200  
P.O. Box 95109  
Lincoln, NE 68509  
(402) 476-7621  
fax (402) 476-7465  
[www.pierson-law.com](http://www.pierson-law.com)

Thomas J. Fitchett  
Mark A. Hunzeker  
William G. Blake  
Peter W. Katt  
William C. Nelson  
David P. Thompson  
Patrick D. Timmer  
Randy R. Ewing  
Shanna L. Cole  
Jason L. Scott

Gary L. Aksamit  
of Counsel

September 1, 2005

Marvin Krout  
Planning Director  
City of Lincoln  
555 S. 10<sup>th</sup> Street  
Lincoln, NE 68508

Re: Change of Zone Application

Dear Mr. Krout:

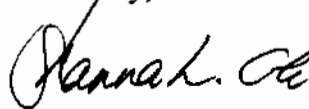
This letter is in reference to the application for a change of zone on the following-described property: McMurtry's Subdivision, Block 1, Lots A through G, and vacant street adjacent and Cadwallader's Subdivision (of McMurtry's Addition Outlot 1); Lots 3 and 4 except street and vacant north-south alley; Lots 5 and 6 and Jorgensen's Sublot 2, LLCN, also known as 2100 "K" Street, Lincoln, Nebraska.

This letter certifies that the property is currently owned by Alltel Communications but Alltel has entered into a purchase agreement with Whitehead Oil Company for the purchase of this property and is awaiting closing.

The purpose of change of zone application is to allow for the uses permitted in the B-4 Lincoln Center Business District.

If you have any further questions or concerns, please feel free to contact either me or Mark Hunzeker.

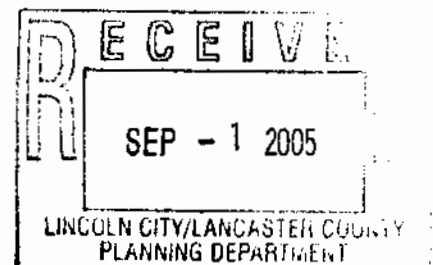
Sincerely,



Shanna L. Cole  
For the Firm  
[scole@pierson-law.com](mailto:scole@pierson-law.com)

SLC:la

(G:\WPData\MH\Whitehead\17th & Q 5035.003\Krout 9-1-5.wpd)



**Pierson, Fitchett, Hunzeker, Blake & Katt**

**EXHIBIT "A"**

**Lots A, B, C, D, E, F and G, McMurtry's Subdivision, and vacated Cadwallader's Court adjacent on the North lying between 21st Street and Capitol Parkway; and Lot Three (3), EXCEPT that part of Lot Three (3) more particularly described as follows:**

**Beginning at the Northeast corner of said Lot Three (3); running thence Southerly along the East line of said Lot Three (3), a distance of 19.70 feet; thence Northerly along the arc of a circular curve bearing to the left, whose radius is 914.93 feet and whose long chord is 44.82 feet, to a point on the North line of said Lot Three (3), thence Easterly along the North line of said Lot Three (3), a distance of 40.39 feet, to the point of beginning;**

**Together with all of Lot Four (4), Cadwalladers Subdivision of Outlot One (1) McMurtry's Addition, and all of the North-South alley adjacent to said Lot Four (4); and Lot Six (6) and the South 10 feet 2 1/2 inches of Lot Five (5), as measured on the West end of said Lot Five (5), in Cadwallader's Subdivision of Outlot One (1), McMurtry's Addition; and Lot Two (2), Jorgensen's Subdivision of Lot Five (5) and the South 20 feet of Lot Six (6), Block Five (5), in Avondale Addition, and the North 17 feet 7 inches of Lot Five (5), Cadwallader's Subdivision of Outlot One (1), McMurtry's Addition; and a part of Lot Three (3), Block Five (5), Avondale Addition, more particularly described as follows:**

**Beginning at the Southwest corner of said Lot Three (3) and proceeding Northerly along the West line of said Lot Three (3) a distance of 4.71 feet; thence Southeasterly along a curved line lying 40.00 feet Southwesterly of and parallel to the centerline of "L" Street a distance of 11.61 feet to the South line of said Lot Three (3); thence Westerly along said South line a distance of 9.60 feet to the point of beginning; and a part of Lot Four (4), Block Five (5), Avondale Addition, more particularly described as follows:**

**Beginning at the Southwest corner of said Lot Four (4) and proceeding Northerly along the West line of said Lot Four (4) a distance of 25.41 feet; thence Southeasterly along a curved line lying 40.00 feet Southwesterly of and parallel to the centerline of "L" Street a distance of 54.10 feet to the East line of said Lot Four (4); thence Southerly along said East line a distance of 4.71 feet to the Southeast corner of said Lot Four (4); thence Westerly along the South line of said Lot Four (4) a distance of 50.00 feet to the point of beginning; all in Lincoln, Lancaster County, Nebraska.**

## Conditions for proposed Ustop/McDonald's at 21st/K/L:

### Uses:

- Limited to permitted uses in B-2 district.
- Other than fuel at the pump islands, all display items for sale and signage for such items must be in the main building or designated areas screened from public streets.

### Architecture:

- Primary material on all facades of main building, not including glass area, must be non-painted red or brown face brick. All structures on the site must have consistent architectural detailing and design elements. All accessory building walls, screening walls, and canopy columns must use the same primary material, color and detailing as on the main building. Secondary building colors must be white or earth tones.
- West-facing facade shall be substantially as depicted in submitted elevation drawing (which we hope to work out with them as being more "traditional" with gabled entry feature, glass areas more articulated, no racing stripes, etc.)
- Overall height of canopy must not exceed 17 feet. The depth of canopy fascias (sides) must not exceed 3 feet, and must extend at least 12 inches below the ceiling to block view of the light sources.

### Signs:

- Detached signs: limited to one ground sign at entrance along K and L Streets, maximum 8 feet tall and 32 sf sign area, with brick base matching building.
- Wall signs: limited to one sign on each facade, maximum 25 sf per sign, designed with individual applied letters or symbols.
- No signs allowed on canopy fascia.
- Signage at the pump islands limited to the company logo and signs dealing with operation and safety of the fuel pumping operation.

### Lighting:

- Average maintained illuminance must not exceed 30 footcandles at grade directly under the canopy, with individual light fixtures that do not exceed 250 watts, and are mounted under canopies that are completely recessed with flat, translucent lenses and completely flush with the ceiling of the canopy.
- All lighting fixtures mounted on buildings or poles must be full cut-off design and aimed downward, with the lenses recessed or shielded so the light source is not directly visible from the surrounding streets. Buildings must not be illuminated by ground-mounted flood lighting. No lighting shall be mounted on or above the canopy fascias. Canopy fascias and building canopies must not be internally illuminated.
- Average maintained illuminance must not exceed 5 footcandles except under the canopy area.

### Pedestrian amenities:

- Outdoor pedestrian plaza area provided – at least 400 square foot area, with seating, in front of west-facing facade, and shaded with trees and/or other shade devices.
- Public sidewalk shall be extended along L Street from 21<sup>st</sup> Street east to a line south of the

west-facing building facade. Pedestrian walkways shall extend from the public sidewalks on K and L Streets to the walk along the west-facing building facade, with differently textured and colored walkways across the driving aisles and otherwise signed and marked for pedestrian safety as required by the Traffic Engineer.

**Landscaping:**

- Must meet landscape requirements of B-2 district. Preserve existing trees and plant new trees as depicted on the site plan (need to have a plan that does this, conceptually).
- Planting area along all 3 streets adequate to accommodate continuous row of evergreen shrubs that will achieve at least 3 foot height solid screening.
- Large trash receptacles for business use and any outside storage areas must be screened from street view.
- Existing electric poles shall be removed and overhead electric line across site shall be relocated underground in a location and to specifications of LES.

**DRAFT**